

surplus to the amount of \$2,753.13; and although a distribution had been ordered by the Orphans' Court, yet she had not actually

for the purpose of evading a law of this State prohibiting the laying of attachments in such cases. The effect of an order of a Court of a foreign jurisdiction, forbidding the maintaining of an action against a certain party, should be raised by a plea, or in some other mode than by an application for a continuance. *Ins. Co. v. Bachus*, 51 Md. 28. Non-residents cannot be restrained, by an injunction from a State Court, from suing in a Court of the United States. Their right so to sue must be determined by the U. S. Court. *Worthington v. Lee*, 61 Md. 543.

If a party elects to proceed at law, his bill will be dismissed, and if he elects to proceed in equity, he will be restrained from further prosecuting his suit at law, without the leave of the Court. *Union Bank v. Kerr*, 2 Md. Ch. 460. Equity sometimes prohibits proceedings at law upon the ground that having possessed itself of the general subject by an application for its aid to compel a disclosure, or for the exercise of some other admitted jurisdiction, it will dispose of the whole matter, and thus avoid a multiplicity of suits. *Glenn v. Fowler*, 8 G. & J. 341.

If the defendant at law has a good defence at law, and the remedy there is as perfect and complete as in equity, the action will not be enjoined. *R. R. Co. v. R. R. Co.*, 57 Md. 272. Equity will not restrain proceedings at law on account of the rule of damages which there prevails, and in order to set up a rule of its own. *Atlantic Coal Co. v. Md. Coal Co.*, 62 Md. 143. Where an assignment for the benefit of creditors was made, which was void because fraudulent, and the debtor having applied under the Insolvent Law after the execution of the deed, and the proceeds of the property conveyed as aforesaid were condemned by judgments in attachments on original process laid in the grantee's hands before the appointment of the trustee in insolvency, an injunction was granted, on the application of the trustee in insolvency, to restrain further proceedings on the judgments and in the pending attachments. *Lynch v. Roberts*, 57 Md. 150. As to when an injunction will be granted to stay the proceedings of attaching creditors, pending litigation as to the validity of a deed of trust, see *Laupenheimer v. Rosenbaum*, 25 Md. 220.

When, in a creditor's suit, the Court has assumed administration of the assets, it will generally enjoin the further progress of suits by other creditors. *Hammond v. Hammond*, 2 Bland, 360-362; *Boyd v. Harris*, 1 Md. Ch. 466. From the date of a decree to account upon a creditor's bill against an administrator or executor, and on a due disclosure of assets, an injunction will be granted on the motion of either party to stay all proceedings at law of the creditors. *Brooks v. Dent*, 4 Md. Ch. 473. But a creditor will not be restrained from prosecuting his legal remedy against the personal representatives of his debtor, unless there is a decree under which the creditor has a present right to go in and prove his debt. *Ellicott v. Ins. Co.* 7 Gill, 319.

Where a party was surety for another, who gave a chattel mortgage to the creditor to secure the debt, the surety is not entitled to an injunction against attachment proceedings by the creditor against him, on the ground that the creditor permitted the debtor to dispose of the property covered by the mortgage after default. *Freaner v. Yingling*, 37 Md. 491. Cf. *Banks v. State*, 62 Md. 88. A suit by a creditor against a surety will not be restrained on the ground of the discontinuance of a prior suit by the creditor against the principal debtor. *Somerville v. Marbury*, 7 G. & J. 276. One surety cannot by injunction arrest the proceedings at law of his co-surety against him, for